



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

Office of the Director

RL:0372

DEPT. COMM. 10
GENERAL AUDIT OF
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Statement for
Senate Committee on
Ecology, Environment and Recreation
Public Hearing, 10 April 1978⁹

By
Doak C. Cox
Environmental Center

Considered at this hearing is the "General Audit of the Office of Environmental Quality Control" (Audit Report 79-2) submitted by the Legislative Auditor in February 1978. This statement on the audit does not represent an institutional position of the University.

As recognized in the audit, the establishment of the Office of Environmental Quality Control (OEQC) and the establishment of our Environmental Center at the University were called for by the same Act (Act 32, 1970, now HRS Chapter 341). The Act also prescribed certain linkages between the OEQC and our Center. Any review of the OEQC on our part is, thus, of the nature of criticism by a fraternal twin—more than usually pleasant when positive and more than usually painful when negative, and liable to bias in either case. Comments by our Center on the audit seem especially called for, however, in that the audit quotes with approval recommendations in a Center report and refers to a research program in which the Center and the former Hawaii Environmental Simulation Laboratory once had roles.

Most of the criticisms in the audit deal with aspects of OEQC's operation concerning which we have had no direct information. Our comments are restricted to those few aspects of the operation criticized in the audit in which we have had more or less direct concerns, and one aspect of the operation not mentioned in the audit. These aspects relate to:

1. the Environmental Impact Statement (EIS) system,
2. research on carrying capacity,
3. certain waste-treatment problems.

EIS system

The Center recommendations that are reinforced by the audit are two drawn from our report on the Hawaii State Environmental Impact Statement System (Env. Ctr., SR:0019, 186 pp., January 1978) which, as the audit recognizes, is operated under the Environmental Quality Commission (EQC), not the OEQC.

The first recommendation is related to improvement of the exemption process by which most actions having no significant environmental impacts are eliminated, by class, from environmental assessment requirements. At the time we prepared our report, the description of types of actions to be exempt in the lists of several agencies were very imprecise. Under these descriptions, actions that would clearly have serious environmental impacts could be exempt from assessment. The audit recommends (pp. 16, 18) that the OEQC coordinate review, and approve the exemption lists of State agencies.

We are pleased to state that, since our report was prepared, the exemption process has been tightened up by the EQC. We do not believe that the audit recommendation is now pertinent.

The second of our recommendations was that the OEQC "be provided with means...to provide more extensive interagency coordination in the preparation of environmental assessments and the preparation of EIS's."

We considered that overuse of negative declarations in the assessment process constituted a major source of failure in the EIS system, and the audit recommends that the OEQC provide guidance to state agencies in the assessment process and monitor the negative declarations issued by these agencies (pp. 17, 18). The EQC in its response to the audit (pp. 77-78), has indicated its disbelief that the failure is a major one. The OEQC, in its response (p. 70) recognizes that the preparation of guidelines for assessment is, under the EIS law, the responsibility of the EQC and indicates that the OEQC does monitor the negative declarations issued by State agencies. We believe that further improvement of the assessment process is necessary and that, in the use and improvement of the process by State agencies, within the EQC regulations, the OEQC clearly has an appropriate role in providing guidance and assistance.

With respect to the EIS preparation process, the audit recommends that the OEQC provide leadership in the pooling of skills of State agencies (pp. 18, 19). The OEQC, in its response (pp. 70-71) points out that the preparation of an EIS is the responsibility of the proposing agency and that close coupling of EIS preparation and project planning is important, but disagrees with the recommendation that it provide leadership in this respect. We agree with the placement of responsibility and the desirability of coupling, but we consider that the OEQC could provide more assistance (and to an extent leadership) in the coordination of interagency skills.

With respect to EIS reviews, the audit recommends that the OEQC establish procedures, policies, and criteria for the review of EIS's by State agencies (pp. 18, 19). The OEQC, in its response (p. 71) indicates concurrence.

Carrying capacity

The audit has criticized the effort of the OEQC (with the Department of Planning and Economic Development) related to research on carrying capacities, on the grounds of a lack of clear overall research design and inadequate specificity and monitoring of contracts for research in the effort.

When it was initiated, this effort was guided by an interagency steering committee, of which I was a member. Two of the grants listed in the audit as parts of the effort (p. 38) were grants to the Hawaii Environmental Simulation Laboratory (HESL). The Center had earlier reviewed the carrying capacity concept as advanced in the report of the Temporary Commission on Environmental Planning, and HESL had produced one earlier report for OEQC on the concept.

In my opinion the validity of the carrying capacity concept is inescapable. The analysis of human carrying capacities has nowhere yet been carried to the point that the results can be used with great reliability as guides to planning. However, since no other concept provides great reliability in the guidance of planning, there is considerable merit in reliance on the implications of carrying capacity analyses, providing their limitations are recognized.

In exploring the feasibility of any new application of a complex concept, a certain amount of fumbling is inevitable. To some extent, and probably considerably, the problems found in the audit with OEQC's carrying capacity effort were expectable. This should not be taken to mean that the effort was not worthwhile. Certainly, the concept should not be abandoned.

Waste disposal issues

In evaluating whether OEQC has met its responsibilities effectively, the audit appears to emphasize aspects of ineffectiveness and to downplay, or even overlook entirely, aspects of effectiveness. I wish to call to attention three waste disposal problems among those toward whose solution the OEQC has played key roles that appear not to be recognized in the audit.

The first of these problems is that of the disposal of sewage where there is the option of discharge offshore in deep water. Originally the regulations of the Federal Environmental Protection Agency and later the 1972 amendment to the Federal Clean Water Act required secondary treatment of all municipal sewage discharges. The Environmental Center was perhaps instrumental in calling attention to the fact that with respect to environmental, energy, and economic considerations, the discharge of secondary treated sewage was considerable less desirable than the discharge of the sewage with only primary treatment. It was the OEQC, however, that played the pivotal role, initially in getting an EQC waiver of its secondary-treatment regulation, and later in persuading the Congress to amend the Clean Water Act further to allow the discharge of primary-treated effluent in offshore deep waters.

The satisfactory final settlement of the problem has not been achieved but may be anticipated, and the OEQC should be credited with the coordination that will allow the saving of many millions of dollars and considerable energy, and the achievement of an environmentally sensible solution.

The Center was not involved in the second of the waste disposal problem but we wish to call attention to OEQC's role in it so that it will not be overlooked. This is the problem of the disposal of solid wastes. The OEQC provided initial impetus and leadership in a major investigation of the feasibility of using municipal solid wastes as sources of energy. In the course of three or four years, the feasibility has been demonstrated. The City and County of Honolulu, with OEQC, is preparing to have a design project undertaken. Other investigations, stemming from the first have dealt with municipal and agricultural solid waste problems in other counties.

The third problem is that of litter. In this, the Center's role has been periferal. The OEQC played a major role in guiding the State into a litter control program, with emphasis on public education, in establishing a program for recycling the aluminum of cans, and in having evaluated the effectiveness of proposed "bottle bill" legislation.

These and other significant positive accomplishments of the OEQC should be taken into account in appraising its overall effectiveness.